

REMARKS

Rejection of claims under 35 U.S.C. 102:

Claims 6 has been rejected under 35 U.S.C. 102(b) as being anticipated by DE 1963399 A, compound RN 32797-22-1. It is the examiners position that the chemical groups $-\text{SO}_3$ and $-\text{C}(\text{O})(\text{CH}_2)_{16}\text{Me}$ may be considered as orthogonal protecting groups under the broadest reasonable interpretation of the claims because all chemical bonds can be thought of as temporary. It is the Applicants' opinion that this definition is not a reasonable interpretation of a protecting group to those skilled in the art.


Protecting groups and orthogonal protecting groups are widely utilized and readily recognized tools in organic synthesis as evidenced by the texts: *Protecting Groups*, by Philip J. Kociński; *Protecting Groups in Organic Synthesis*, by Theodora W. Greene and Peter G. M. Wuts; and *Organic Synthesis, The Science Behind the Art* (chapter 2), by W. A. Smit et al. Kociński states on page 1 that "synthesis of a molecule of even modest complexity can seldom avoid their (protecting groups) assistance." According to Greene and Wuts, "Organic synthesis has not yet matured to the point where protective groups are not needed for the synthesis of natural and unnatural products." Smit et al. state on page 140 that "it might be difficult if not impossible to achieve" reaction conditions to form a substrate without the use of protecting groups. If any group can be considered to be a protecting group because all chemical bonds can be thought of as temporary, then there would be no need for the concept of protecting groups. Applicants request reconsideration of this §102 rejection.

A list of protecting groups for amines is provided in chapter 7 of *Protecting Groups in Organic Synthesis*. The list does not include $-\text{SO}_3$ or $-\text{C}(\text{O})(\text{CH}_2)_{16}\text{Me}$.

Claim 8 has been rejected under 35 U.S.C. 102(b) as being anticipated by JP 63037185 A2 (as evidenced by compounds 116274-40-9 and 116274-44-3), EP 449450 A1 (as evidenced by compound 138807-23-5), and JP 06134322 A2 (as evidenced by compound 159613-51-1). Applicants have amended the claim to obviate the rejection. Specifically, the claim has been amended to claim a process for condensing a nucleic acid by forming a polymer from the indicated monomer in the presence of the nucleic acid. Support for the amendment can be found on page 7 line 2 to page 8 line 23, page 22 line 20 to page 24 line 20.


The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 6-8 should be allowable.

Respectfully submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 2/11/05.



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